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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Legislative Budget
Office

S.B. 104
135th General Assembly

Final Fiscal Note & Local Impact Statement

[Click here for S.B. 104's Bill Analysis](#)

Primary Sponsors: Sens. Cirino and Brenner

Local Impact Statement Procedure Required: No

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Highlights

College Credit Plus

- College Credit Plus (CCP) funding transfers from school districts and other public schools to participating colleges may increase or decrease under the bill's provisions.
- The bill may increase the administrative workload or costs of the Ohio Department of Higher Education (ODHE), Department of Education and Workforce (DEW), and Auditor of State to fulfill several new duties under the bill.
- Minimal cost to participating colleges is expected from the provision in the bill requiring colleges to provide an orientation for CCP Program participants.

Single-sex facilities and accommodations

- The bill requires a school to designate, or a higher education institution to designate with clear signage, each multi-occupancy restroom, locker room, changing room, or shower located at its campus for the exclusive use of students of either the male biological sex or the female biological sex. To the extent that a public school or state institution is not already complying with the bill, it may incur costs to update those facilities depending on implementation decisions. The costs may range from replacing signage at each facility to, in some limited cases, renovation or redesign of the facility.

Detailed Analysis

College Credit Plus

The bill makes various changes to the law regarding the College Credit Plus (CCP) Program, which allows students to attend classes at postsecondary education institutions and earn both high school and college credits at state expense. Public school students participating in the CCP Program are counted in the district or school in which they are educated for state funding

purposes. The tuition amounts for the college classes the student attends are deducted from the educating district's state funding and paid to the college attended by the student. For nonpublic and home-educated students, the costs of taking college classes under the CCP Program are paid by the state directly through earmarks of GRF line items 200511, Auxiliary Services, and 200550, Foundation Funding – All Students, respectively. According to the CCP Program's most recent annual report, over 80,000 students participated in the program for the 2022-2023 school year. Payments to colleges for that school year totaled \$65.4 million according to a separate report from the Department of Education and Workforce (DEW). Provisions of the bill with notable fiscal effects are discussed below.

Teacher credentialing

The bill expands credentialing options for instructors by requiring the Chancellor of Higher Education to establish, no later than six months after the bill's effective date, an alternative credentialing process to certify instructors with relevant teaching experience for the CCP Program. Current guidelines require all secondary school teachers to be approved as an adjunct professor by the college at which they desire to teach a CCP Program course; generally, this also requires teachers to obtain a master's degree in the discipline of instruction taught in the CCP Program course or any master's degree with an additional 18 semester hours completed in the instructed discipline.¹ The Chancellor is also obligated to make applicable any graduate-level coursework required for CCP Program credentialing to the continuing education and professional development requirements of each teacher, which are used for the renewal of an educator's teacher license. H.B. 33, the main operating appropriations act of the 135th General Assembly, earmarks \$3.0 million in each of FY 2024 and FY 2025 from GRF line item 200448, Educator Preparation, for DEW, in consultation with the Ohio Department of Higher Education (ODHE), to provide awards to support graduate coursework for high school teachers to receive credentialing to teach CCP courses in a high school setting. H.B. 33 gives priority for this funding to education consortia of a public or private institution of higher education in Ohio and high schools identified as economically disadvantaged that have no or limited numbers of teachers credentialed to teach CCP courses.

DEW pays colleges for participants in the CCP Program at varying rates, depending on the method of delivery and instruction; courses completed on college campuses or taught by college faculty are reimbursed at a higher rate than those completed at a student's secondary school or taught by a high school teacher who has met the credentialing requirements established to teach CCP Program courses.² More high school teachers becoming credentialed to teach in the CCP Program may increase or decrease district and school deductions of state aid and direct state payments to reimburse colleges for CCP Program participation. On one hand, the provision potentially shifts payments away from more expensive reimbursement rates required for college faculty, which will tend to decrease deductions and direct state payments. On the other hand, a greater pool of high school teachers credentialed to teach CCP courses may expand the number of CCP courses available to students and, thus, increase student participation. If so, this will tend

¹ See *Resources for Secondary Schools: Teacher Credentialing for College Credit Plus* on the Ohio Department of Higher Education's website: higher.ed.ohio.gov.

² R.C. 3365.07(A).

to increase deductions and direct state payments to colleges. The end result, however, is unknown since most Ohio teachers, an estimated 71%, already hold at least a master's degree in one or more disciplines.³

Student application deadline

Under current law, a student or student's parent must inform the school by April 1 of the student's intent to participate in the CCP Program in the next school year. The bill adds a second deadline, November 1, for which a student or student's parent must inform the school and shortens the intent period for CCP Program participation from the next school year to the next semester or term. It further permits any student who provides notification by April 1 to be approved to participate in the CCP Program for the next full year, but limits a student who provides notification by November 1 to participating for only the next semester or term. The addition of a second deadline may allow more students to participate in the CCP Program in an academic year. For example, a student may decide to participate at the beginning of a school year and inform the school by the new November 1 deadline to participate in the CCP Program in the following semester. Under these circumstances, any additional participants in the CCP Program after the April 1 deadline will increase the deductions of state aid from school districts and direct state payments provided to colleges. Additionally, administrative costs for schools and colleges may increase to accommodate newly participating CCP students during the academic year.

State agency requirements under CCP

The bill may increase the administrative workload or costs of ODHE, DEW, and the Auditor of State to carry out certain requirements with respect to the CCP Program. The bill's requirements are listed below.

- ODHE and DEW must collect data relative to the actual cost of CCP programming and submit the data to the Auditor to State, which is required to review and audit the data and submit a one-time report of its findings to the General Assembly.
- ODHE, in consultation with DEW, must undertake any necessary action, which may include publicly displaying CCP participation data by college and high school, to ensure that public colleges and public high schools are fully engaging and participating in CCP as required under current law.
- ODHE and DEW must continue to submit an annual report on CCP Program outcomes. The report must be submitted by December 31 of each year. Under current law, ODHE and DEW had to submit an annual report each year until December 2023. The most recent [CCP annual report](#) for the 2022-2023 academic year can be viewed on the ODHE website: higher.ohio.gov.
- DEW must include on the state report card report-only, nonrated data about whether a school district or public school building provides information about and promotes the CCP Program as required under continuing law. That must be notated with a "yes" or "no."

³ U.S. Department of Education, Institute of Education Sciences (IES) houses the National Center for Education Statistics. See the 2020-2021 table of [Teachers' highest degree earned](#).

Orientation

The bill also requires each college in the CCP Program to require each participant to complete an orientation. The cost of the orientations to participating colleges is likely to be minimal; however, the specifics of such orientation requirements are delegated to the Chancellor and DEW, who will establish the requisite guidelines, affecting any potential cost.

Single-sex facilities and accommodations

The bill requires schools to designate, and higher education institutions to designate with clear signage, each student restroom, locker room, changing room, or shower room that is accessible by multiple students at the same time for the exclusive use of students of either the male biological sex or the female biological sex. It also prohibits schools and institutions from constructing, establishing, or maintaining a multi-occupancy facility that is designated as nongendered, multigendered, or open to all genders, unless the space is a family facility with no more than one toilet or shower. Additionally, schools are prohibited from permitting a member of the female biological sex and a member of the male biological sex to share overnight accommodations. The bill permits schools to establish and provide accommodations due to special circumstances, including single-occupancy facilities or controlled use of faculty facilities. It also permits institutions to establish and enforce a policy on the use of a multi-occupancy facility, as long as the policy provides an option for alternative accommodations, including, but not limited to, the use of single-occupancy facilities or faculty facilities. Finally, the bill provides exceptions to the prohibitions under the bill for:

- Children under the age of ten who are being assisted by a parent, guardian, or family member, and for the person assisting the child;
- A person with a disability who is being assisted by another person, and for the person assisting the person with a disability;
- A school or institution employee whose job duties require the employee to enter a restroom, locker room, changing room, or shower room that is designated for a biological sex that is different than the employee's biological sex; and
- A person who enters a restroom, locker room, changing room, or shower room that is designated for a biological sex that is different than the person's biological sex because the person reasonably believes the person is responding to a legitimate emergency.

Most public restrooms, locker rooms, changing rooms, and showers in public schools and state institutions are single-sex or single-occupancy. The bill's fiscal effects will most likely depend on how each school or institution implements the bill, including the manner of designating a facility as single-sex and whether it currently has any multi-occupancy facilities that are not single-sex. For example, the Buckeye Association of School Administrators (BASA) was not able to identify costs to public schools as a result of the bill due to a lack of bathrooms that would be impacted. However, the Inter-University Council of Ohio (IUC) and Ohio Association of Community Colleges (OACC) report that some public universities and community colleges, respectively, may respond by updating certain facilities, particularly to change the signs posted outside these facilities, or redesigning them. They estimate that replacing the signs would cost between \$30 and \$100 per sign. Any facility redesign could be more expensive, though the information from OACC and IUC suggest that these circumstances would be rare.